

REMARKS

By the present Amendment, Applicants have amended claims 16 and 21 to more appropriately define their invention. Applicants have also canceled claim 18, without prejudice or disclaimer of the subject matter thereof. Claims 16-17 and 19-24 remain pending.

In the final Office Action, the Examiner rejected claims 16-19 and 21-23 under 35 U.S.C. § 103(a) as unpatentable over Holst et al. (U.S. Patent No. 5,955,037); and rejected claims 20 and 24 under 35 U.S.C. § 103(a) as unpatentable over Holst et al. in view of Seeger et al. (U.S. Patent No. 5,521,263). Applicants submit that the rejection of claim 18 is rendered moot in light of the cancellation thereof, and respectfully request withdrawal of the rejections of claims 16-17 and 19-24 for the following reasons.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2143, 8th ed., Revision of May 2004.

Regarding the rejection of claims 16-17, 19, and 21-23, Holst et al. fails to teach or suggest each and every element of these claims. For example, independent claim 16 recites, inter alia,

providing a powder-collection apparatus coupled to a bottom of the chamber via a first gate and a second gate to allow continuous removal from the chamber and the powder-collection apparatus of powder produced by the reaction of the residual gas, the inert gas and the reactive gas in the chamber;

opening the first gate of the powder-collection apparatus to collect the powder falling into the power-collection apparatus due to its weight; and

closing the first gate and opening the second gate to remove the powder when an amount of the powder collected reaches a predetermined level.

As Applicants previously pointed out, Holst et al.'s eductor, allegedly corresponding to Applicants' claimed powder-collection apparatus, is not coupled to a reaction chamber. Amendment and Remarks of August 24, 2005, page 7. For example, in Fig. 4, eductor 252 is only coupled to scrubber 194. Holst et al., col. 17, ll. 15-35. In Fig. 10, eductor 722 is only coupled to scrubber unit 710. Id., col. 20, l. 63 - col. 21, l. 2. Scrubbers 194 and 710 are not chambers where a residual gas is introduced and diluted and where a reactive gas is introduced "to cause a reaction between the diluted residual gas and reactive gas to produce a mixed gas," as required by claim 16. Moreover, Holst et al.'s eductor is not coupled to a chamber "via a first gate and a second gate," as required by claim 16. Therefore, Holst et al. fails to teach or suggest at least the above quoted elements of independent claim 16. Thus, claim 16 and its dependent claims 17 and 19 are allowable over Holst et al.

Similarly, independent claim 21 recites, inter alia,

providing a powder-collection apparatus coupled to a bottom of the chamber via a first gate and a second gate, wherein, during an operation of the chamber, said first gate and said second gate collectively operate to allow continuous removal of powder from the powder-collection apparatus without interruption of the operation of the chamber;

opening the first gate of the powder-collection apparatus to collect the powder falling into the power-collection apparatus due to its weight; and

closing the first gate and opening the second gate to remove the powder when an amount of the powder collected reaches a predetermined level.

For reasons already set forth above regarding claim 16, claim 21 is allowable over Holst et al. Claims 22-23 depend from claim 21 and are also allowable at least because of their dependence from an allowable base claim.

Regarding the rejection of claims 20 and 24 as unpatentable over Holst et al. in view of Seeger et al., Applicants first note that, as discussed above, Holst et al. fails to teach or suggest each and every element of independent claims 16 and 21, from which claims 20 and 24 respectively depend.

Seeger et al. fails to cure the deficiencies of Holst et al. Seeger et al. only describes a process for the production of amorphous polyolefins (Seeger et al., ABSTRACT), and does not teach “a powder-collection apparatus coupled to a bottom of [a] chamber via a first gate and a second gate,” as required by both independent claims 16 and 21. In other words, even a combination of Holst et al. and Seeger et al., still fails to teach or suggest the above quoted elements of independent claims 16 and 21. At least on this basis, claims 20 and 24, which respectively depend from claims 16 and 21, are allowable over Holst et al. and Seeger et al.


In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of pending claims 16-17 and 19-24.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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